

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

JAVIER R. LOZOYA MENCHACA,

Defendant.

**8:16CR248**

**ORDER**

This matter is before the court on defendant's MOTION TO EXTEND DATE for filing pretrial motions [140]. The Court notes that the defendant's motion was filed out of time, however, for good cause shown, I find that the motion should be granted. The defendant will be given an approximate 21-day extension. Pretrial Motions shall be filed by April 3, 2017.

**IT IS ORDERED:**

1. Defendant's MOTION TO EXTEND DATE for filing pretrial motions [140] is granted. Pretrial motions shall be filed on or before April 3, 2017.
2. Defendant is ordered to file the affidavit required by Rule 16(c), Fed. R. Cr. P. and NE. Crim. R. 12.1 forthwith.
3. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between March 13, 2017 and April 3, 2017, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel required additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

Dated this 16th day of March, 2017.

BY THE COURT:

s/ F.A. Gossett, III  
United States Magistrate Judge